

DOCKET NO: 283698US2PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KAZUhide OUCHI, ET AL. : EXAMINER: TORRES, J. D.
SERIAL NO: 10/562,799 :
FILED: APRIL 25, 2006 : GROUP ART UNIT: 2112
FOR: OPTICAL RECEPTION DEVICE :
AND OPTICAL RECEPTION METHOD

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated June 22, 2007, Applicants provisionally elect with traverse Group IV, Claims 7-8 and 10, drawn to a control means for executing hard decision-identification of the electronic signals in any one of the plurality of deciders, for measuring, based on the hard decision identification results, the average amplitude of the electronic signals, and for correcting, based on the variation over time in the measured average amplitude, thresholds in the plurality of deciders in the soft decision-identification means, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

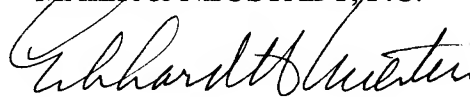
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-10 be conducted.

Respectfully submitted,

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